

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KEVIN C. BRATHWAITE,)
)
Petitioner,)
)
v.) C.A.No. 06-472-GMS
)
)
THOMAS L. CARROLL,)
)
Respondent.)

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

1. The petitioner, Kevin Brathwaite, has applied for federal habeas relief challenging the validity of his convictions. (D.I. 1).
2. By the terms of the Court's order, the respondent is directed to answer the petition and attach to the answer certified copies of the state court records material to the questions raised in the petitioner's writ. (D.I. 8)
3. The undersigned has completed a draft answer to the petition, but is awaiting review of that answer by his supervisor. Respondent seeks three additional days for the review to be completed. This is Respondent's fourth request for an extension of time.

4. Respondent submits that an extension of time to and including February 2, 2007 in which to complete the answer in this case is reasonable.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/

Gregory E. Smith, I.D. No. 3869
Deputy Attorney General
820 North French Street, 6th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398

Dated: January 30, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KEVIN C. BRATHWAITE,)
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Petitioner,)
)
v.) C.A.No. 06-472-GMS
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)
THOMAS L. CARROLL,)
)
Respondent.)

ORDER

Whereas, Respondent Thomas Carroll has requested an extension of time in which to answer Brathwaite's petition for writ of habeas corpus and has presented reasonable cause for the request;

IT IS SO ORDERED this ____ day of _____, 2007, that Respondent's answer shall be due on or before February 2, 2007.

Gregory M. Sleet
United States District Judge

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STATEMENT OF COUNSEL PURSUANT TO LOCAL RULE 7.1.1

COMES NOW, Deputy Attorney General Gregory E. Smith, Counsel for Respondent, and pursuant to D. Del. LR 7.1.1 does hereby make the following statement:

1. The undersigned has not corresponded or attempted to contact Petitioner as he is incarcerated, but anticipates that the instant Motion is opposed.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ _____
Gregory E. Smith, I.D. No. 3869
Deputy Attorney General
820 North French Street, 7th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398

Dated: January 30, 2007

CERTIFICATION OF SERVICE

The undersigned certifies that on January 30, 2007, he electronically filed the attached *Motion for Extension of Time* with the Clerk of Court using CM/ECF. The undersigned further certifies that on January 30, 2007 that he mailed by United States Postal Service the document(s) to the following non-registered participant:

Kevin C. Brathwaite
SBI No. 00315294
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/
Gregory E. Smith, ID # 3869
Deputy Attorney General
820 North French Street, 6th Floor
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